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Developments

Transforming Researchers into Educators: Some Reflections on the University College Dublin School of Law Syllabus Design Workshop 2010

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Abstract:

The priority given to the development of research skills during doctrinal legal education often neglects the importance of equipping PhD students with the pedagogical skills necessary to fulfill their important educational role as academics. Thus, in many instances there is a significant gap in the requisite skill base that PhD students acquire when they complete their doctrinal education. This paper outlines a first step that has been taken to address this deficiency in postgraduate legal education in Ireland. The PhD community of the University College Dublin (UCD) School of Law convened an internal Syllabus Design Workshop in April 2010 in order to provide doctrinal students with an opportunity to design a university module and to explore the issues which arise in undertaking such an exercise. The first part of this paper outlines how the workshop was conceived and convened, and provides an account of the considerations that each student had to take into account in the design of a syllabus. From here, we address the content of the workshop and reflect upon some of the important issues which were raised. Finally, we offer a number of recommendations in relation to the development of doctrinal students as future educators. By highlighting the importance of uniting research and teaching, it is

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hoped that this paper will contribute to postgraduate legal education in Ireland, and also internationally.

A. Introduction

Doctoral legal education focuses primarily upon developing the necessary skills to undertake research on a given thesis topic. However, this priority often neglects the importance of equipping doctoral students with the skills required for their future pedagogical roles. Some opportunities are provided to assist course or module coordinators,¹ such as workshops on communication skills. Nevertheless, this does not accurately reflect the breadth of pedagogical skills required of an academic, which includes the development and teaching of syllabi, and the assessment of student learning. There is a significant divide in practice between the role of the student as a researcher, and that of a future academic.² The purpose of this paper is to outline one path that may be taken to bridge this gap. It is submitted that this may be done by developing and improving the syllabus design process.

Syllabus design may appear to be a mundane task that can be glossed over without much effort. Many law students will have taken courses where only minimal information about the individual modules is available in advance of sitting in a lecture theatre, or where the materials and topics covered vary substantially from those described in the course or module description. However, this approach is both outdated and unsatisfactory. Instead, although academic freedom and mobility must be taken into account, syllabi should serve a purpose for the institution, the students and the module coordinator. Firstly, a syllabus should aim to sell the module (and thereby the syllabus designer) to the institution being approached and potential students. Secondly, a syllabus should provide a mechanism which renders the module coordinator internally and externally accountable for their modules, thereby facilitating a high level of quality. Thirdly, a syllabus should facilitate further professional development of the module coordinator. In achieving these objectives, a syllabus should be self-sufficient. Consequently, it must be suitably detailed and reasoned with regards to its content, methodology and accessibility while still retaining flexibility and avoiding stagnation of material or issues.

¹ Within this article, “course” refers to third or fourth level programmes such as degrees or masters; “module” refers to the individual subjects or units such as contract law or family law (these modules typically comprise the course, however they may be independent as in the case of language modules); and “coordinator” refers to the individual who is the central designer and instructor within the course or module.

² Helge Dedek & Armand de Mastral, *Born to be Wild: The Trans-Systemic Programme at McGill and the De-Nationalization of Legal Education*, 10 GERMAN L. J. 889 (2009); Richard Wilson, *Western Europe: Last Holdout in the Worldwide Acceptance of Clinical Education*, 10 GERMAN L. J. 823 (2009).

Upon examining the issues of syllabus design, the intricacies, difficulties and perils become apparent. It is important for those within, or intending to enter into, academic life to be aware of these considerations and to take them into account when approaching the creation or modification of new syllabi. However, the extent to which the development of pedagogical skills is neglected within postgraduate legal education in Ireland means that this occurs only upon rare occasions. In contrast, more pointed efforts have been made in recent years within North America to resolve this omission. North American institutions have come to place a strong emphasis on practical experience within research programs, whether professional or pedagogical.³

Osgoode Hall Law School (Toronto, Canada) tackled the issue of syllabus design for those contemplating entering academia via a Syllabus Design Workshop in February 2008.⁴ The PhD community of the University College Dublin (UCD) School of Law is in the process of developing educational and research links with Osgoode Hall.⁵ Following on from Osgoode's workshop, the UCD School of Law's PhD community decided to convene their own internal Syllabus Design Workshop in April 2010 and thereby, to take the first steps to addressing this deficiency in postgraduate legal education in Ireland. The objectives set for the workshop were modest. It was hoped that the initiative would provide postgraduate students with the opportunity to examine the issues associated with designing a university module, as well as more general issues connected with teaching methodology and student assessment. An ancillary objective of the workshop was to challenge the PhD students to place their own research within a wider context, and to reflect upon how best to communicate the significance of individual research to broad audience.

This paper provides a brief note concerning UCD's Syllabus Design Workshop and offers some thoughts and reflections in relation to the main issues highlighted. It is hoped that this paper will contribute to postgraduate legal education within Ireland and internationally, through highlighting the importance of uniting research and teaching in a synergistic manner. The role of a syllabus and high quality syllabus design is utilized as an example of how this may be accomplished. The paper proceeds in three steps. Firstly, we offer an account of how the workshop was conceived and convened, and the original

³ Nadia Chiesa, *The Five Lessons I Learned Through Clinical Education*, 10 GERMAN L. J. 1113 (2009); David M. Siegel, *The Ambivalent Role of Experiential Learning in American Legal Education and the Problem of Legal Culture*, 10 GERMAN L. J. 815 (2009); Janet Leiper, *Nurturing Commitment in Legal Profession: Student Experiences with the Osgoode Public Interest Requirement*, 10 GERMAN L. J. 1087 (2009).

⁴ See Maria Panezi, *Conclusions on the Osgoode Syllabus Design Workshop*, The Graduate Law Students' Association conference: "Quo Vadis Constitution? The Boundaries of Modern Law" (2008). Abstract available at: <http://www.osgoode.yorku.ca/glsa/2008conference/documents/Maria%20Panezi.pdf> (last accessed: 11 July 2011).

⁵ See below for a discussion on potential future collaboration with Osgoode Hall, as well as the importance of international and transnational communities of researchers.

parameters set for syllabus design. Secondly, the paper addresses the substantive content of the workshop and offers consideration of a number of important issues that were raised. Finally, we offer a number of recommendations for the cultivation of doctoral students as future educators.

B. Call for Papers

A call for proposals for a syllabus design workshop was sent out to all PhD students from the School of Law in March 2010. The call stated that the workshop would be held in April 2010. The call requested expressions of interest to be submitted within one week and required completed syllabus proposals to be submitted one week later, two days prior to the workshop. The call noted, under the heading “Aims and Objectives of the Workshop,” that:

Developing a strong teaching portfolio, in addition to a research profile, benefits a doctoral graduate’s overall academic and professional development. Academic and non-academic employers will also respond positively to evidence that those holding a PhD can communicate the significance of their own research and place it within the context of a broader body of knowledge and understanding. The ability to design a syllabus is a crucially important component of this portfolio. Nevertheless, often times it is an overlooked skill for academics.

This workshop aims to provide a forum for the PhD students of the School of Law to develop the skills necessary to develop and design a syllabus. It is envisaged that the syllabus proposed would be based upon each student’s doctrinal research. As such, the workshop offers an opportunity for participants to reflect upon how their research may be presented as a substantive course taught at university level and how they may be able to place their discrete topic of research within a broader setting.

Given the underdeveloped nature of a systematic approach to designing syllabi, the parameters for contributions to the workshop were something of an unknown. In addition, given the broad diversity of research interests outlined above, one of the first challenges was to construct a template that could accommodate this spectrum. It was agreed that each syllabus must be designed around a 12-week course consisting of two contact hours per week. In addition, seven headings were established to guide the syllabus design. The call included these guidelines and required that each proposal be presented under the following headings:

1. Course title (Maximum 4 sentences);
2. Course description (Maximum ½ page);

3. Statement of teaching methodology (Maximum ½ page);
4. Learning outcomes (Maximum ¾ page);
5. Primary reading material and measurement reading (Maximum 4 pages);
6. Secondary reading material and measurement of reading (Maximum 4 pages);
7. Assessment approach (Maximum ¾ page).

The proposals were required to be submitted in 12 pt. font, in *Times New Roman*, and with all references to be complete, and listed consistently.

The syllabus design workshop took place over one day. During the workshop, each participant was given 30 minutes to present his or her proposal under the above headings. Furthermore, the call prompted the participants to address, *inter alia*, the importance and relevance of the proposed course for law school students, the motivation for the teaching methodology, the justification for the proposed readings, both primary and secondary (*e.g.* an explanation of the attachment of significance to particular material and the practical benefit of the material being imparted to students.), the methods used to measure course work and, the rationale for the assessment approach. Each presentation was followed by 30 minutes of discussion and feedback from the other participants, the attending students and academics.

Five PhD candidates submitted and presented syllabi in April 2010. Reflecting the scope of postgraduate research undertaken at UCD, the subject matter of syllabi was equally diverse. Donal Casey presented a syllabus entitled "The Private Regulation of Food Safety and Quality," a module examining non-traditional patterns of global regulation related to food safety and quality. Mary Dobbs' module was entitled "Risk Avoidance and the Precautionary Principle in European environmental and food law: from crisis to the mundane and back again." This syllabus proposed to explore the development, application, enforcement and potential of the precautionary principle, namely in the EU in areas of scientific uncertainty in environmental and food law. Alan Greene presented a syllabus called "The Rule of Law: Historical Significance and Contemporary Challenges." This module would provide an analysis of the rule of law, exploring the historical and theoretical evolution of the notion and investigate challenges to its inception and application in modernity. James Lawless devised a course titled "European Agricultural Law and Policy" which would provide a comprehensive overview of the law and policy of the European Union's Common Agricultural Policy (CAP). Students would learn about the evolution and changes made to CAP, the impact these have had on the agricultural sector as well as presenting future challenges to its current manifestation and ambit. Finally, Niamh Mulholland's syllabus, "The Regulation of Insider Dealing in the European Union," examined the origins, development and implementation of insider dealing regulation in the European Union. This course would explore the concept of insider dealing as a crime and question why regulation of this issue is hotly contested.

C. Substantive Issues in Syllabus Design

The issues addressed during the workshop proceedings ranged widely, from substantive concerns relating to module parameters to more pragmatic considerations such as the practical implementation of teaching methodologies. These are discussed below under a number of central themes that draw from the multi-faceted nature of a syllabus noted above.

I. Content in Context

In approaching the creation and design of a syllabus, context is relevant on a number of levels prior to deciding upon the area and content of the syllabus. Firstly, consideration of the expertise, teaching and research interests of the institution in which the module will be taught is important. A syllabus should complement rather than replicate modules already provided within the institution, in relation to both the legal knowledge and skills to be developed within the module. Beyond the home institution, related modules offered in competing institutions, as well as developments in the area elsewhere,⁶ whether academically or in the professional world should be examined. For example, consideration should be taken of changes in the law, but also as to areas where there is a demand for knowledgeable or specialized lawyers.⁷ Yet, there must be balance between whether theory and knowledge or practical and legal skills are focused upon, as time within which to impart the knowledge and skills will be limited. In order to achieve this balance, account should be taken of what weight the institution assigns to the competing interests.⁸ Although not decisive,⁹ these factors will assist the module to be appropriately situated within the institutional context while providing that institution with a unique and relevant module.

⁶ For example, see Adam M. Dodek, *Canadian Legal Ethics: Ready for the Twenty-First Century at Last*, 10 GERMAN L. J. 1047 (2009), regarding the emergence of legal ethics as a consideration for legal education generally.

⁷ Allison von Rosenvinge, *Global Anti-Corruption Regimes: Why Law Schools May Want to Take a Multi-Jurisdiction Approach*, 10 GERMAN L. J. 785 (2009).

⁸ Leiper *supra* note 3; Roberto Fragale Filho, *Brazilian Legal Education: Curricular Reform that Goes Further without Going Beyond*, 10 GERMAN L. J. 751 (2009).

⁹ In relation for instance to the typical approach or subject matter of the institution, these may be essential for the institution and, whilst potentially unpalatable, it may be necessary for new academics to accept the values, needs and opinions of the institution over their own at least initially. Alternatively, they merely reflect the *status quo* within the institution and be easily changed. In creating a syllabus, the designer must consider to what extent they are willing to compromise and how best to negotiate with the institution.

Secondly, one must be aware of issues which arise from adopting an overly narrow approach to the module. As a specialist, the temptation might be to impart all one's acquired knowledge in a particular field via the module. This could result in an incredibly narrow course, which may risk limiting those students who are capable of taking the course and to whom the course would appeal. Therefore, the aim should be to take the specialist knowledge and place it within a broader legal and theoretical context.¹⁰ A number of the syllabi which were presented at the workshop focused on examples within Europe and of European integration, without reference to other pertinent considerations such as issues in transnational governance, the international context, the embeddedness of law, or pertinent theories of regulation. By placing an initially narrowly defined syllabus within a wider context, the module addressing private food standards could be expanded to one that addresses private regulation more generally. In addition, the module on the precautionary principle could be placed within the wider context of risk regulation. These specialist areas could then be utilized as specific case studies within the modules. This would allow for the general and idiosyncratic elements to be balanced within a module. For example, the syllabus on the Rule of Law—a general jurisprudential module—contained detailed case studies which included the role of the rule of law in emergencies. Through ensuring European,¹¹ international and transnational elements,¹² as well as broader theories, the syllabus becomes more mobile, facilitating the academic to present the syllabus as viable within a multitude of institutions and jurisdictions.¹³ This outward mobility of academics alongside that of students is a central objective within the Bologna Process¹⁴ which has existed since 1999 and aims to improve the quality of higher education within the “European Higher Education Area.”

¹⁰ Diverse subjects or topics which may reflect the various interests of students, see for example, Luiz Perez Hurtado, *Transnationalizing Mexican Legal Education: But, What about Students' Expectation?*, 10 GERMAN L. J. 767 (2009).

¹¹ Bram Akkermans, *Challenges in Legal Education and the Development of a New European Private Law*, 10 GERMAN L. J. 803 (2009).

¹² See the Bologna Process: <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/> (last accessed: 11 July 2011); see Simon Chesterman, *The Evolution of Legal Education: Internationalization, Transnationalization, Globalization*, 10 GERMAN L. J. 877 (2009) regarding the importance of intellectual and cultural flexibility; see Jaakko Husa, *Turning the Curriculum Upside Down: Comparative Law as an Educational Tool for Constructing Pluralistic Legal Mind*, 10 GERMAN L. J. 913 (2009) regarding the importance studying international and comparative law for 1st and 2nd year students, as they become the ‘norm’ for students rather than merely national law; see also Afshin A-khavari, *The Opportunities and Possibilities for Internationalising the Curriculum of Law Schools in Australia*, 16 (1/2) LEGAL EDUCATION REVIEW 75 (2006) regarding the benefits and means of internationalizing individual modules and throughout the courses; and examples of implementation in Franziska Weber, *Hanse Law School-A Promising Example of Transnational Legal Education? An Alumna's Perspective*, 10 GERMAN L. J. 785 (2009).

¹³ On the increasing internationalisation of legal education, see Gall J. Hupper, *'The Academic Doctorate in Law: A Vehicle for Legal Transplants?'*, 58 JOURNAL OF LEGAL EDUCATION 413, 422 (2008).

¹⁴ For details and documents relating to the Bologna Process, see <http://www.ond.vlaanderen.be/hogeronderwijs/bologna> (last accessed: 11 July 2011). Mobility of academics as

Thirdly, context plays an important pragmatic role in relation to the target audience and the nature of the institutional setting. Here, contextualization involves reflection on the potential prerequisites required of students. In addition, consideration should be given to the students' academic background. For example, knowledge of the law of the European Union may be a prerequisite for modules which examine European agricultural law and policy, or the Regulation of insider dealing within the European Union. By contrast, a course on the Rule of Law may not require a legal background, or any specific prior knowledge, given its focus on the fundamental ideas of jurisprudential theory. This issue of context can be addressed by developing a syllabus in such a way as to provide enough introductory information to enable a broader range of students, or alternatively by noting any prerequisites in the syllabus document. As such, context plays a critical role in not only situating a syllabus within an institution and avoiding an overly idiosyncratic course, but also in ensuring that those who take the course will have the appropriate level of background knowledge, experience and skills to benefit from it.¹⁵ Without taking into account the existing knowledge and abilities of the students, the module may be excessively difficult or overly simplistic. Correspondingly, without indicating the necessary requirements and learning objectives for students, poorly informed students may commence inappropriate modules. Consequently, some material and likewise methodologies may be more suitable for first years or alternatively students in later years or with different backgrounds. This should be considered and communicated within the syllabus design.¹⁶

II. Reading Materials

The task of selecting and ascribing primary and secondary module readings reflects the general challenge of balancing generality and idiosyncrasy within a module. This task also reflects the more practical need not to overburden either the students, or the module coordinator. In order to address these two considerations, it is suggested that in general one or two central readings be chosen for each week, which would total roughly 50-60

an objective of the Bologna Process was recognized within the Joint declaration of the European Ministers of Education: 'The Bologna Declaration of 19 June 1999,' available at: http://www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/MDC/BOLOGNA_DECLARATION1.pdf (last accessed: 11 July 2011).

¹⁵ Regarding the importance of being aware of the 'cognitive development' of students in designing modules and courses, including the substance and methodology, see, for example: Eric D. Yordy, *Using Student Development Theory to Inform Our Curriculum and Pedagogy: A Response to the Secretary of Education's Commission on the Future of Higher Education*, 25 (1) JOURNAL OF LEGAL STUDIES EDUCATION 51 (2008).

¹⁶ See for example, Mary Keyes & Richard Johnstone, *Changing Legal Education: Rhetoric, Reality and Prospects for the Future*, 26 SYDNEY LAW REVIEW 537, 547 (2004).

pages of reading. These readings should encompass the main concepts and viewpoints for that week's topic. In addition, the importance attached to readings should be consistent, and the link between each week's readings should be coherent and fluid. Consequently, each reading should be justifiable in terms of its individual worth and as part of the greater context of the module. The reading list may be seen as a string of pearls, with each reading constituting a pearl of crucial importance and essentially linked with the next. Combined, the module's core readings should provide the backbone for the students' knowledge and comprehension of the module.

More mundane considerations also play a role in the tasks of selecting and ascribing primary and secondary reading; these include time constraints, the length of readings, the density of readings, the accessibility of readings online, and the students' general workload. However, it is important to note that the readings ascribed need not follow the traditional approach of academic book chapters and journal articles. Primary and secondary readings may include pertinent material from areas of practice and policy to give students a sense of the real world relevance of the theoretical issues being studied, and the political debates which surround a given research field.

III. Teaching and Assessment Methodology

The traditional approach to legal education frequently involves the examination of legislation, case law and academic articles by means of lecturing, with student learning being assessed through written exams and essays. This was as legal education focused upon the knowledge educators could impart upon students, i.e. education was teacher and knowledge orientated, rather than student and skills orientated.¹⁷ However, teaching and assessment methodology has also developed within legal education. There is now an awareness that, although knowledge of the law as it stands is an important element, legal education should strive further and develop students' general and legal skills in order to enable "self-learning" and the application of legal knowledge.¹⁸ Obvious skills include legal reasoning, analysis and communication¹⁹ amongst a range of others. Nor should ethics and value judgments be ignored, as important considerations in the application and development of the law. The development of these skills may be facilitated by the choice of teaching and assessment methodologies for individual syllabi and as balanced amongst

¹⁷ Keyes & Johnstone, *supra* note 16, at 538-543.

¹⁸ *Id.* at 543, 545 and 546. See also the reports referred to within: Sally Krift, *21st Century Climate for Change: Curriculum Design for Quality Learning Engagement in Law*, 18 (1/2) LEGAL EDUCATION REVIEW 1, and especially at notes 23-28 and 30-31 on pg. 8 (2008); also see Krift's discussion at 21-22.

¹⁹ See Krift, *supra* note 18, at 4, highlighting the importance of non-legal specific skills including those of communication and computer literacy; see also Adiva Sifris & Elspeth McNeil, *Small Group Learning in Real Property Law*, 13 (2) LEGAL EDUCATION REVIEW 189 (2002).

the various modules within a course. In practice, there continues to be a greater focus upon the substance of modules, rather than methodology, with the traditional approach still dominant.²⁰ Nonetheless, there are exceptions,²¹ and more generally, attempts are seen at introducing elements within the traditional approach that focus upon the student and skills.²²

The module coordinator has the opportunity to consider the goals to be achieved, and which teaching methods and means of assessment would best facilitate these in a specific context. Although the choice of teaching methodology by a module designer is often affected by personal preference, it nevertheless should be explicitly justified²³ and tailored to the particular content of the module, the target audience,²⁴ the strengths of the teacher, and the nature of the institution in which the module is being taught. A further consideration in deciding upon methodology is that of resources. With technology developing, greater options are available which incoming students are adept with and should be taken into account.²⁵ As accessibility of readings online is relevant, so too are

²⁰ See Keyes & Johnstone, *supra* note 16, at 549-554, discussing the difficulties in implementing a new approach and that consequently some law schools fail to rise to the challenge. Nonetheless these difficulties are not insurmountable and could be alleviated greatly by broader communication and support from law schools, as well as through a more holistic approach from the schools rather than syllabi being created in isolation from each other; see also Krift, *supra* note 18, at 13-14, 16.

²¹ For example, Keyes & Johnstone, *supra* note 16, at 543, referring to small group learning within 'the Pearce Report' (Dennis Pearce, Enid Campbell & Don Harding, *Australian Law Schools: A Discipline Assessment for the Commonwealth Tertiary Education Commission* (1987));

²² For example, the role of tutorials to complement lectures has steadily grown within Irish legal education. Group presentations and essays, mooting and legal writing projects have been introduced amongst other tools to facilitate the learning of both the law and relevant skills. Within University College Dublin, transferrable skill modules have also been established more recently in parallel with substantive modules.

²³ For example, teaching styles are typically divided into extremes of pedagogy (instructing/relating to children) and andragogy (facilitating/co-learning/relating to adults). In deciding upon the appropriate style for the module, it is important to be aware of the distinctions, the benefits and drawbacks of each style, and whether a blend might be preferable; see Geraldine Holmes & Michele Abington-Cooper, *Pedagogy vs. Andragogy: A False Dichotomy?*, 26 (2) THE JOURNAL OF TECHNOLOGY STUDIES (2000), available at: <http://scholar.lib.vt.edu/ejournals/JOTS/Summer-Fall-2000/holmes.html> (last accessed: 11 July 2011).

²⁴ This includes both the current abilities and knowledge foundations of the students, as well as the desired learning outcomes from the module; see for example, Keyes & Johnstone, *supra* note 16, at 547. In this respect, feedback from students should also be utilized in continuing the development of the module.

²⁵ Geoffrey Christopher Rapp, *Can You Show Me How To?... Reflections of a New Law Professor and Part-Time Technology Consultant on the Role of New Law Teachers as Catalysts for Change*, 58 JOURNAL OF LEGAL EDUCATION 61, 63 (2008); Ida M. Jones, *Can You See Me Now? Defining Teaching Presence in the Online Classroom Through Building a Learning Community*, 28 (1) JOURNAL OF LEGAL STUDIES EDUCATION 67 (2011).

PowerPoint presentations, the possibility of video-conferencing, web-based lectures etc.²⁶ The syllabi presented to the workshop utilized a wide range of teaching methodologies such as seminars, direct lecturing, student presentations and student-paper-led discussions, many of which included new technologies. In choosing appropriate methodologies, module coordinators may avail of a growing abundance of literature upon (legal) education as well as upon suitable computer applications, which may be utilized to facilitate the development of knowledge and analytical skills.²⁷

A central consideration in the choice of methodology and assessment adopted by each of the participants was that of student participation. The participants felt that in Irish law schools, student participation has been generally poor. This was due in part to a traditional focus on exams and essays, and a culture of silent thinking within lectures according to the experiences of the participants. Nevertheless, participation is desirable,²⁸ not only as an indicator of the level of comprehension of the students, but also to facilitate discussions, cooperation or teamwork, further understanding and varying viewpoints on the issue.²⁹ Such an approach also helps counter the reliance on rote learning, which may hide a lack of actual comprehension of the subject matter. Simultaneously, student participation and group work facilitates the development of numerous skills, which naturally vary depending on the means of participation. These include communication, analytical thinking, negotiation and technological skills. Further, it is hoped that through active student engagement with other students and academics that student life might be improved³⁰ and retention of students within their courses might be increased.³¹

²⁶ Obiora Chinedu Okafur & Dakas C.J. Dakas, *Teaching 'Human Rights in Africa' Transnationally: Reflections on the Jos-Osgoode Virtual Classroom Experience*, 10 GERMAN L. J. 959 (2009); see Antoinette J. Muntjewerff, *ICT in Legal Education*, 10 GERMAN L. J. 669 (2009).

²⁷ See, e.g. Roger J. Johns, *The Logic Doctor Is In: Using Structure Training and Metacognitive Monitoring to Cultivate the Ability to Self-Diagnose Legal Analysis Skills*, 26 (2) JOURNAL OF LEGAL STUDIES EDUCATION 357 (2009).

²⁸ E.g. Keyes & Johnstone, *supra* note 16, at 546, 561-563; Diane Dancer & Patty Kamvounias, *Student Involvement in Assessment: a Project Designed to Assess Class Participation Fairly and Reliably*, 30 (4) ASSESSMENT AND EVALUATION IN HIGHER EDUCATION 445 (2005).

²⁹ For example see, Patricia Pattison, Janet Riola Hale & Paul Gowens, *'Mind and Soul: Connecting with Students'*, 28 (1) JOURNAL OF LEGAL STUDIES EDUCATION 39 (2011); the second and third principles within Arthur W. Chickering & Zelda F. Gamson, *Seven Principles for Good Practice in Undergraduate Education*, WASHINGTON CENTRE NEWS (1987) available at: <http://learningcommons.evergreen.edu/pdf/Fall1987.pdf> (last accessed: 11 July 2011).

³⁰ Krift, *supra* note 18, at 24-25.

³¹ The Teaching and Learning Unit within University College Dublin is in the process of carrying out a project relating to the retention of first year students. For this, see <http://www.ucd.ie/teaching/projects/reasonswhystudentsleave/> (last accessed: 11 July 2011). There was a drop out rate of nearly 15% of first students between 1999-2007 within UCD, and it is hoped that improvements in student curricular and extra-curricular life could reduce this figure.

During the course of the workshop, numerous approaches to facilitate discussion and debate within seminars were proposed. These included the adoption of a Socratic approach to each class, the formation of discussion groups, the use of reflection papers, and the allocation of participation marks as part of the overall module assessment. However, a number of issues were raised as to the feasibility of these approaches. In particular, it was noted that any approach should promote considered, rather than irrelevant, discussion; one possibility would be through facilitating participation via methods such as students' presentations of class readings, which would thereby enhance the level and quality of discussion. However, linking student participation to group discussions or group presentations can also be a controversial aspect of module assessment, as the problems associated with "dictators"³² and "free-riders" within groups are well known.³³ Nonetheless, given the importance of group work in professional life, such hazards associated with group dynamics were not considered fatal. In addition, practical considerations such as the means to assess individual participation should be born in mind, particularly with a larger class size.

Assessment methodology also plays a critical role in bolstering participation.³⁴ By providing a grade for participation, an expectation of participation in discussions is created, and an incentive for active participation is provided. While 10% of the total module grade was regarded as an insufficient incentive to participate, 20% was seen as more appropriate. Such an assessment approach would mean a student could not achieve an A grade unless they took participation seriously and did in fact participate. This was confirmed by the practical experiences of the participants who had noted the effects of varying percentages of participation marks. However, care should be taken in assigning marks to different types of participation and work,³⁵ as well as in deciding whether to give uniform marks to all

32 In Jay R. Howard, Liliard B. Short and Susan M. Clark, *Students' Participation in the Mixed-Age Classroom*, 24(1) TEACHING SOCIOLOGY 8 (1996), the authors assess the students' and teachers' responses to 'talkative' students. Whilst overall the feelings to these students were not negative, some felt less inclined to participate as a result and many objected where they considered that the talkative students were meandering off topic or wasting time. The authors proposed possible solutions for teachers to manage these situations, generally through careful steering of the discussion or through encouraging other students to answer questions or debate an issue.

33 The possibility of free-riders was a significant consideration within the pilot projects discussed by Sifris & McNeil, *supra* note 19, at 194-5, leading to the use of ethics codes and work programs to be agreed upon by the group members. Although not completely successful, they are two potential means to lessen difficulties that might arise.

34 See Sifris & McNeil, *supra* note 19, which availed of marks for attendance, contribution and preparation or presentation of two specific problems as an "educational tool," in order to encourage attendance and participation; also see Kadire Zeynep Girgin & Danelle D. Stevens, *Bridging In-Class Participation with Innovative Instruction: Use and Implications in a Turkish University Classroom*, 42 (1) INNOVATIONS IN EDUCATION AND TEACHING INTERNATIONAL 93 (2005).

35 See for example, Jay R. Howard, *What Does Research Tell US About Classroom Discussion?*, in DISCUSSION IN THE COLLEGE CLASSROOM: APPLICATIONS FOR SOCIOLOGY INSTRUCTION (J.R. Howard ed., 2004); see Dancer & Kamvounias, *supra* note 28.

members of a group or to attempt to reflect the individual contributions within the marks.³⁶

Interestingly, despite the prominence of student participation as an issue, it was not a uniform concern. One participant justified his preference for traditional lecturing and a written exam combined with an essay, on the basis that students who attended the lecture should have a thorough comprehension of the themes and that the facility to memorize the key facts and undertake an exam are also beneficial skills.³⁷ Such an approach to assessment may also be a more appropriate choice where the class size is too large to make assessment of participation a suitable method of assessing student learning.³⁸ It was recognized by all participants that the issue of student participation in class and also the alleged benefits of smaller class sizes are the subject of much academic study and debate.³⁹ Views in relation to the actual benefits to students of smaller class sizes are as many as they are varied and to engage with the body of research is beyond the scope of this article. It should also be borne in mind that there may be different expectations as to methodologies and the level of instruction within different countries or institutions, e.g.

³⁶ For example, see Stephen Sharp, *Deriving Individual Student Marks from a Tutor's Assessment of Group Work*, 31(3) ASSESSMENT AND EVALUATION IN HIGHER EDUCATION 329 (2006). In the pilot projects carried out by Sifris & McNeil, *supra* note 19, smaller 'self learning groups' were availed of alongside compulsory tutorial groups. 'Research Assignment Syndicates' were also established. Whilst the former were linked to tutorials, involved few marks, and the substantive element was to prepare a presentation of relevant work to the tutorial group, the latter involved more substantive research assignments with marks totalling 25% and independent from tutorials. Difficulties arose in relation to both types of group work, however on balance the self-learning groups were far more favourable than the research assignment syndicates. This does not lead to the conclusion that research assignments or higher marks should be excluded, but merely highlights valid considerations in choosing and implementing the desired methodologies. One manner of ameliorating difficulties that arose might be to officially timetable periods during which group members should meet to work on assignments.

³⁷ In support of this position, see for example, Mary Burgan, *In Defense of Lecturing*, 38 (6) CHANGE: THE MAGAZINE OF HIGHER LEARNING 30 (2006); John Feaster, *Public or Perish: Teaching, Learning, and the Ideology of Socialization*, 40(2) COLLEGE TEACHING 75 (1992); Lisa Birk, *What's So Bad About the Lecture?*, 62 (9) EDUCATION DIGEST 58 (1997).

³⁸ "Large" class size is considered as a deterrent on effective class participation and the assessment of such, due in part to the potentially more intimidating setting and also in part due to the practical difficulties of facilitating active engagement of all members of the class and assessing this. See in this regard, Sifris & McNeil *supra* note 19; also in the context of teenagers, see Jimmie R. Applegate, *Why Don't Pupils Talk in Class Discussions* 44(2) THE CLEARING HOUSE 78 (1969).

³⁹ For examples of literature referring to the benefits of small class sizes on participation see the articles at *supra* note 38. However, in many other studies other factors such as the relationship between students and teacher, the means of participation utilized and class activities were considered to have a greater effect than class size. See for example, Franklin D. Becker, Robert Sommer, Joan Bee & Bart Oxley, *College Classroom Ecology*, 36(4) SOCIOMETRY 514 (1973), which also notes the role of the layout of the classroom and the importance of how distant the students are from the teacher; also in Robert R. Weaver & Jiang Qi, *Classroom Organization and Participation: College Students' Perceptions*, 76(5) THE JOURNAL OF HIGHER EDUCATION 570 (2005), the authors refer to the importance of developing a rapport between teacher and students not merely within the classroom but also outside. Other articles note a wide range of factors that influence participation, for example, see J.R. Howard *et. al.*, *supra* note 32, at 8 (1996).

within the United States, due to paying high fees to attend the course, students may not appreciate what appears to be a hands-off approach.

Whatever the assessment methodology decided upon for the individual module, the assessment should reflect the learning objectives of the module as indicated within the syllabus design. These should include both knowledge and skills, which will provide a foundation for further learning in legal studies or more generally. Further, there should be clear guidelines in relation to how marks will be awarded, within the syllabus design and prior to and post assessments.⁴⁰ In this regard, timely feedback from assessments is essential in order that students may utilize the information to develop their understanding and skills, as the primary focus should not be assessment *of* learning, but instead assessment *for* learning.⁴¹

The basics for creating a syllabus, whether based on specialist research or core subjects, involve an awareness of context, accessibility of materials, and choice and justification of methodologies. Through taking into account and building upon these considerations, an academic should be able to develop a syllabus that would appeal to a wide range of institutions. It should be borne in mind that, as with the weekly reading lists, there should be cohesion and harmony between the individual elements of the syllabus. Thus, the content, the reading materials, methodologies etc should all complement each other and further the achievement of the stated learning objectives of the module. Further, depending on the circumstances in question, variations to the syllabus design may be called for and the coordinator should be aware of this possibility and prepared to amend the syllabus appropriately. Thereby, the coordinator, through awareness of relevant considerations and by demonstrating flexibility in adapting the syllabus as desired, will be capable of producing a mobile syllabus and of facilitating his or her own mobility. However, syllabus design presents greater potential than merely solving the immediate need for a course syllabus. It may be utilized to further an academic's research output, and present teaching and research skills.

D. Round Table Discussion: Syllabus Design and Professional Development

In order to utilize syllabus design as a professional development tool, synergy should be created between syllabus design and a teacher's research. Progression and purpose should be the central concerns when deciding what research or teaching activities to undertake. Consequently, a teaching portfolio which includes a number of syllabus proposals should be prepared when applying for academic positions. Syllabi should be seen as an exportable

⁴⁰ See Pattison, Hale & Gowens, *supra* note 29; Keyes & Johnstone, *supra* note 16, at 547.

⁴¹ Keyes & Johnstone, *supra* note 16, at 545-547, 560. Prompt feedback is the fourth principle in Chickering & Gamson, *supra* note 29.

commodity. With this in mind, it is important to remember that a primary function of a law school is the education of lawyers.⁴² Consequently, a strong understanding and ability to teach the “bread and butter” subjects of tort, contract law and constitutional law, etc. are crucial. This should be explicitly reflected in a teaching portfolio with the inclusion of syllabi that address these core subjects.

I. A Research Tool

A module may also act as a vehicle for research where ideas are tested, with effective student participation providing a feedback mechanism. This may be a particularly efficient research tool, especially for those at the early stages of developing their research profile, if employed on an annual basis. The module itself should be outlined with a broad theoretical focus, with readings and empirical materials developed on an annual basis to reflect the trajectory of the research. Each class in a module may then be oriented around investigating different aspects of a research question with the module culminating in the final class, which may form the basis for a publishable paper. This research-based approach also ensures that syllabi are kept up to date each year, and are fresh, innovative and relevant. Young academics should attempt to bargain for one module where they have substantial flexibility and control over the module content to allow for such an approach. As academics progress during their career, one would expect to acquire greater freedom in the design of modules.

II. Recognizing Strengths

Developing and designing a module shows innovative and entrepreneurial skills desirable in any career. Moreover, graduate students, by reference to their position, are conferred with certain strengths in undertaking pedagogical duties. Thus, participants drew on their experience, as both teacher and student, to design a module suitable for a law school of the twenty-first century. Well-designed module syllabi are central to advancing the profile of PhD students (and other academics), as they advance through their professional lives. A PhD student attempting to complete original and contemporary research must have an ear to the ground. Consequently, they are well positioned to be aware of new cases, articles, theories and debates, which are relevant, yet which an established academic may be unaware of. Each of these aspects, combined with actual PhD research, affords the

⁴² Richard A. Posner, *The Present Situation in Legal Scholarship*, 90 YALE L.J. 1113, 1129 (1981). See generally, Harry T. Edwards, *The Growing Disjuncture Between Legal Education and the Legal Profession*, 91(1) MICHIGAN LAW REVIEW 31 (1992).

potential for a PhD student to ensure that a module designed by him or her is flexible, evolves and is groundbreaking in its substance.

III. Awareness of the Academic Environment

Beyond syllabus design, a further central consideration in professional development is awareness of context. This includes identifying other academics active in your research area, the contemporary debates, the “hot” topics, the core journals and papers etc. This can be aided via reviewing articles or books, working on law journals etc.⁴³ However, time management remains crucial, and quality over quantity should be emphasized with regards to dissemination of research at conferences and publications. A proactive approach should also be taken to establishing networks by organizing a conference in a field of interest. Such conferences should be created in a selective manner, by sending out a call only to those who wish to attend, informing them of the theme of the conference and the topic which they must present. The academic can then approach a publisher with a proposal, based upon the topics to be presented at the conference to attempt to secure a publishing contract prior to the conference. Again, innovative and entrepreneurial skills are stressed.

As mentioned, since 1999, the Bologna Process has existed with a general goal of improving higher education within the “European Higher Education Area.” Central elements of this include striving for uniformity, increasing the quality of education, improving accessibility, and “internationalizing” it in relation to both inward and outward mobility.⁴⁴ Ireland has accomplished much since the 1990’s in parallel with the Bologna Process, although greatly on its own initiative.⁴⁵ Where it has fallen short is in relation to

⁴³ Luigi Russi & Federico Longobardi, *A Tiny Heart Beating: Student-Edited Legal Periodicals in Good Ol’ Europe*, 10 GERMAN L. J. 1127 (2009); Danielle Allen, & Bernadette Maheandiran, *You don’t have to Speak German to Work on the German Law Journal*, 10 GERMAN L. J. 1149 (2009)

⁴⁴ See on this, *European Higher Education in a Global Setting. A Strategy for the External Dimension of the Bologna Process*, (2007), available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/documents/WGR2007/Strategy-for-EHEA-in-global-setting.pdf> (last accessed: 12th July 2010).

⁴⁵ Positive remarks in relation to the structure of higher education cycles, undergraduate mobility, mutual recognition of qualifications with non-European countries/institutions etc.; for example, see the stakeholder reports from 2005, 2007 and 2009 on Ireland: National Report (2004), available at: http://www.ond.vlaanderen.be/hogeronderwijs/bologna/links/National-reports-2005/National_Report_Ireland_05.pdf, National Report (2007), available at: http://www.ond.vlaanderen.be/hogeronderwijs/bologna/links/National-reports-2007/National_Report_Ireland2007.pdf, National Report (2009), available at: http://www.ond.vlaanderen.be/hogeronderwijs/bologna/links/National-reports-2009/National_Report_Ireland_2009.pdf (all last accessed: 11 July 2011); see also the case-study on Ireland in *The Bologna Process Independent Assessment-The first decade of working on the European Higher Education Area-Volume 2 Case studies and appendices* by the consortium of CHEPS, INCHER-Kassel and ECOTEC, available at: <http://ec.europa.eu/education/higher->

outward mobility, in particular of staff. The Bologna Process however does provide for institutions, or stakeholders therein, to fulfill the goals independently. Law schools and students across Europe have risen to this challenge via European communities, in particular the European Law Students Association (ELSA) and the European Law Faculties Association (ELFA). As part of ELSA's activities they promote legal education, international cooperation, practical experience etc, through publishing magazines, organizing work abroad, research groups, seminars, regular meetings, moot competitions and over 50 conferences a year.⁴⁶ ELFA takes a similar approach and also provides information on progress with, and a forum for discussions on, the Bologna Process. It also publishes the European Journal on Legal Education.⁴⁷

Although the Law School in UCD is not a member of EFSA, it has developed its own links with various European and international law schools. Undergraduate students have the possibility of studying abroad at a variety of institutions as part of their degree, with even the possibility of a dual degree under the Maîtrise program,⁴⁸ while researchers may also conduct study visits elsewhere with the possibility of funding/scholarships. Likewise the PhD students from the Law School are not members of ELSA, yet have established connections with a number of Chinese universities, visiting and presenting research to the research students there in May 2010. As mentioned above, the PhD students have also established a link with Osgoode Hall with a number of potential collaborations being discussed. These include the possibility of joint conferences, seminars via the internet, study or teaching visits, workshops, research collaboration etc.⁴⁹ More specifically these included opportunities such as twice-annual conference planning in the two institutions on themes such as comparative or transnational governance, development of the syllabus design workshops and joint teaching programs, joint research paper series commencing with one based on the UCD Regulatory Governance Seminar held in April 2010, as well as potentially fellowships in order to facilitate travel between the two institutions.

education/doc/bologna_process/independent_assessment_2_cases_appendices.pdf (last accessed: 11 July 2011).

⁴⁶ Lisa Rieder & Hanjo Hamann, *Student Participation in Legal Education in Germany and Europe*, 10 GERMAN L. J. 1095 (2009); See also EUROPEAN LAW STUDENTS ASSOCIATION (ELSA), available at: www.elsa-germany.org/de (last accessed: 11 July 2011).

⁴⁷ See THE EUROPEAN LAW FACILITIES ASSOCIATION (ELFA), available at: <http://elfa-afde.eu/default.aspx> (last accessed: 11 July 2011).

⁴⁸ See generally University College, Dublin, School of Law, available at: www.ucd.ie/law (last accessed: 11 July 2011), and in relation to the Maîtrise programme, see Marie-Luce Paris-Dobozy, *Challenging Exchange Programs: Studying the Common Law and Civil Law Systems in a Joint Law Degree*, 5 EJLE 47 (2009), available at: <http://elfa-afde.eu/Documents/EJLEAPRIL09CH.pdf> (last accessed: 11 July 2011).

⁴⁹ Thereby avoiding the risk of duplication of research, see for e.g. Antoinette J. Muntjewerff, *supra* note 26.

UCD and other legal institutions, in Ireland or abroad, can no longer work in isolation or without consideration of new valuable methods or resources.⁵⁰ The initiatives need not be overly structured or formalized, nor organized on a national or institutional level, however they are imperative for the development of synergistic research and education, and to improve the opportunities for young academics to become established educators/researchers whether locally or internationally. Communities of researchers and learning from experiences elsewhere with new approaches are critical to this, although transplantation may prove difficult on occasion and therefore the culture and background must be taken into account when building upon these experiences.⁵¹

E. Conclusion

The development of teaching skills is an important, but unfortunately overlooked aspect of postgraduate training and education. A syllabus design workshop may enhance the teaching skills of participants on two levels. Firstly, the subject matter of syllabi presented is scrutinized, critiqued and ultimately refined into syllabi that are manageable and challenging. Secondly, proposed teaching and assessment methodologies are also scrutinized. Not merely do the proposed syllabi and participants benefit from peer review, but the workshop also benefits the institution. Producing postgraduates who aim to reform and advance legal education enhances a law school's reputation as a pioneer in legal education. As society and the law evolves, so too must a law school and legal education. The teaching of the core legal modules, while important, must also be complemented by innovative new modules that reflect the shifting boundaries of the legal system, and the engagement and interdependence of legal research with other disciplines. Therefore, as postgraduates possess the ability to develop their own pioneering research into workable modules, they are vital assets to law schools.

As a first step, this workshop achieved a great deal. However limitations and difficulties encountered should be noted. A significant improvement would be to ensure greater clarity and detail in the guidelines contained in the call for proposals, in particular in relation to the need to justify methodology, prerequisites for the courses, weekly reading lists and class topics. The allocation of relevant and manageable readings for each class was a constant topic of discussion on every presentation. While the guidelines were attractive in their simplicity, they led some to underestimate the amount of work required

⁵⁰ See Paris-Dobozy, *supra* note 48; also see the Bologna Process documentation available at <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/> (last accessed: 11 July 2011). See the work by AGORA in relation to research, aid etc. in developing countries as described, in Philip G. Bevans & John S. McKay, *The Association of Transnational Law Schools' Agora: An Experiment in Graduate Legal Pedagogy*, 10 GERMAN L. J. 929 (2009).

⁵¹ See David M. Siegel, *supra* note 3, at 615.

to complete the module design to an appropriate quality. A sufficient period of time should be allowed in order to design the syllabi as the more time provided initially, the greater the potential benefits that may be gained from such workshops. Despite these weaknesses, it is hoped that syllabus design workshops will become an integral element of postgraduate legal education given the benefits outlined above.